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**STATE OF IOWA**

# **Senate Journal**

**MONDAY, FEBRUARY 6, 2006**

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## JOURNAL OF THE SENATE

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TWENTY-NINTH CALENDAR DAY  
SEVENTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 6, 2006

The Senate met in regular session at 1:00 p.m., President Kibbie presiding.

Prayer was offered by Dallas Clark of Milford, Iowa, who sang "Shout to the Lord." She was the guest of Senator Johnson.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Rachael Creswell.

The Journal of Thursday, February 2, 2006, was approved.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 107](#).

#### [Senate Resolution 107](#)

On motion of Senator Danielson, [Senate Resolution 107](#), a resolution honoring the University of Northern Iowa Football Team, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved the adoption of [Senate Resolution 107](#), which motion prevailed by a voice vote.

### **SPECIAL GUESTS**

Senator Danielson welcomed to the Senate chamber members of the University of Northern Iowa football team, accompanied by Coach Mark Farley and Athletic Director Rick Hartzell. Coach Farley addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

### **ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 1:50 p.m. until 8:30 a.m., Tuesday, February 7, 2006.

### **APPENDIX**

#### **CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Seth Michael McMullen, Earlham—For achieving the rank of Eagle Scout. Senator Shull (2/6/06).

Gladys Northrup, Mason City—For celebrating your 100th birthday. Senator Ragan (2/6/06).

Betsy Till, Dubuque—For becoming a new United States citizen. Senator Connolly (2/6/06).

#### **COMMUNICATIONS RECEIVED**

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

##### **CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL**

Annual report, pursuant to Iowa Code section 216A.135. Report received on February 3, 2006.

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

Report on awards made from the Iowa Values Fund to businesses owned by women or minorities. Report received on February 6, 2006.

**DEPARTMENT OF MANAGEMENT**

Standing Appropriations Report, pursuant to Iowa Code section 8.6(2). Report received on February 6, 2006.

**DEPARTMENT OF REVENUE**

Annual Report on the Tax Gap Compliance Project, pursuant to Iowa Code section 421.17(23). Report received on February 6, 2006.

**IOWA STUDENT AID COMMISSION**

Iowa Tuition Grant Legislative Policy Report, pursuant to Iowa Code section 169.3. Report received on February 6, 2006.

**AGENCY ICN REPORT**

Iowa Communications Network (ICN) usage report for FY 2005, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA WORKFORCE DEVELOPMENT – Report received on February 6, 2006.

**PRESENTATION OF VISITORS**

The Chair welcomed the following visitors who were present in the Senate gallery:

Mark and Sandra Gaskill, the son and daughter-in-law of Senator Gaskill, and their two sons, Peyton and Jonah, who were visiting from St. Louis, Missouri.

**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** February 1, 2006, 9:40 a.m.

**Members Present:** Hatch and Tinsman, Co-chairs; Bolkcom, Johnson, Ragan, and Seymour.

**Members Absent:** None.

**Committee Business:** Discussion of pharmaceuticals and therapeutics.

**Adjourned:** 10:50 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** February 2, 2006, 9:40 a.m.

**Members Present:** Hatch and Tinsman, Co-chairs; Johnson, Ragan, and Seymour.

**Members Absent:** Bolkom (excused).

**Committee Business:** Presentations by Iowa Association of Workforce Providers, Iowa Alliance for Drug Endangered Children, and the Iowa Foster and Adoptive Parents Association.

**Adjourned:** 11:45 a.m.

#### **BUSINESS AND LABOR RELATIONS**

**Convened:** February 6, 2006, 3:00 p.m.

**Members Present:** Dearden and Wieck, Co-chairs; Behn, Courtney, Dotzler, McKibben, Seng, Seymour, and Shull.

**Members Absent:** Horn (excused).

**Committee Business:** Approved Governor's appointment.

**Adjourned:** 3:10 p.m.

#### **EDUCATION**

**Convened:** February 6, 2006, 3:10 p.m.

**Members Present:** Connolly and McKinley, Co-chairs; Angelo, Beall, Boettger, Brunkhorst, Dvorsky, Kreiman, Mulder, Quirnbach, Schoenjahn, Ward, and Wood.

**Members Absent:** Larson (excused).

**Committee Business:** Presentation by the Iowa Communications Network.

**Adjourned:** 3:30 p.m.

#### **LOCAL GOVERNMENT**

**Convened:** February 6, 2006, 2:00 p.m.

**Members Present:** Quirnbach and Shull, Co-chairs; Houser, Kreiman, Lundby, McCoy, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed [SF 257](#).

**Adjourned:** 2:10 p.m.

**STATE GOVERNMENT**

**Convened:** February 6, 2006, 2:05 p.m.

**Members Present:** Horn and McKibben, Co-chairs; Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Ziemann.

**Members Absent:** None.

**Committee Business:** Passed HF's 2050 and 2051.

**Adjourned:** 2:15 p.m.

**INTRODUCTION OF BILLS**

**Senate File 2150**, by Putney, Lundby, Tinsman, Zaun, Wieck, McKibben, Gaskill, Behn, Johnson, Miller, Shull, Mulder, Kettering, Seymour, Boettger, Ziemann, Iverson, Lamberti, McKinley, Ward, Hahn, Dearden, Dotzler, Houser, and Kibbie, a bill for an act eliminating a waiver for early school starts.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2151**, by Brunkhorst, a bill for an act providing an exception to municipal tort liability for golfing.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2152**, by Bolkcom, Connolly, Beall, Stewart, Ragan, Danielson, Hatch, Dvorsky, Seng, Hancock, Dearden, Wood, Schoenjahn, Fraise, Courtney, Quirnbach, Gronstal, Kibbie, and Black, a bill for an act relating to consumer loans, including providing for a maximum finance charge and certain reporting requirements for loans secured by a certificate of title to a motor vehicle, providing for an increase in fees for supervised loans, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 2153**, by Brunkhorst, a bill for an act limiting the liability of a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of a food product intended for human consumption.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2154**, by Connolly, a bill for an act requiring school districts and accredited nonpublic schools to establish media centers supervised by qualified media services specialists, and providing for a waiver and a future effective date.

Read first time under Rule 28 and referred to committee on **Education**.

**Senate File 2155**, by Dearden, a bill for an act relating to an increase in the migratory game bird fee.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

#### STUDY BILLS RECEIVED

**SSB 3085**      **Ways and Means**

Relating to local government by imposing requirements on those cities, counties, townships, and other property tax certifying boards that seek to increase the amount of property taxes certified for levy, by changing the number of signatures necessary to protest an adopted county budget, by requiring priority funding of essential services by counties and cities, by tying together the assessment limitations of certain classes of property, and by abolishing county compensation boards, and including applicability date provisions.

**SSB 3086**      **Judiciary**

Extending the statute of limitations for the filing of an indictment or information in a felony or aggravated or serious misdemeanor proceeding involving DNA profiling.

**SSB 3087**      **Judiciary**

Relating to the crime victim compensation fund.

**SSB 3088**      **Judiciary**

Relating to the practices and procedures of the department of corrections and the judicial district departments of correctional services, including increasing the penalty for sexual misconduct by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing for a fee.

**SSB 3089**      **Judiciary**

Relating to the distribution of a presentence investigation report in a criminal proceeding.

**SSB 3090**      **Appropriations**

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund.

**SSB 3091**      **Human Resources**

Relating to requirements of the department of human services involving electronic benefits transfer and authorization for certain employee positions and providing an effective date.

**SSB 3092**      **Judiciary**

Relating to the information required to be included in an adoption petition.

**SSB 3093**      **Judiciary**

Relating to the payment of costs of reasonable attorney fees and other expenses related to certain paternity and adoption proceedings.



**SSB 3094      Judiciary**

Relating to the criminal offense of child endangerment.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2113**

WAYS AND MEANS: Connolly and Miller, Co-chairs; Quirnbach and Ziemann

**Senate File 2134**

WAYS AND MEANS: Miller and Quirnbach, Co-chairs; Bolkcom, Connolly, Wieck, and Ziemann

**Senate File 2144**

HUMAN RESOURCES: Dotzler and Seymour, Co-chairs; Johnson and Wood

**Senate File 2149**

WAYS AND MEANS: Danielson and Wieck, Co-chairs; Quirnbach and Zaun

**House File 2045**

WAYS AND MEANS: Connolly and Wieck, Co-chairs; Miller and Quirnbach

**SSB 3085**

WAYS AND MEANS: Miller and Quirnbach, Co-chairs; Bolkcom, Connolly, Wieck, and Ziemann

**SSB 3086**

JUDICIARY: Boettger and Quirnbach, Co-chairs; McKibben and Schoenjahn

**SSB 3087**

JUDICIARY: Horn and Zaun, Co-chairs; Hancock and Tinsman

**SSB 3088**

JUDICIARY: Hancock and Tinsman, Co-chairs; Fraise and Zaun

**SSB 3089**

JUDICIARY: Quirnbach and Ward, Co-chairs; Schoenjahn and Zaun

[SSB 3090](#)

APPROPRIATIONS: Kettering and Warnstadt, Co-chairs; Angelo and Dvorsky

[SSB 3091](#)

HUMAN RESOURCES: Hatch and Tinsman, Co-chairs; Seymour and Wood

[SSB 3092](#)

JUDICIARY: Kreiman and Zaun, Co-chairs; Fraise and Ward

[SSB 3093](#)

JUDICIARY: Quirnbach and Ward, Co-chairs; Horn and Zaun

[SSB 3094](#)

JUDICIARY: Kreiman and Tinsman, Co-chairs; Hancock and Zaun

## FINAL COMMITTEE REPORTS OF BILL ACTION

### STATE GOVERNMENT

**Bill Title:** [HOUSE FILE 2050](#), a bill for an act relating to elections by making changes concerning requirements for entrances to certain polling places, arrangement of names on the ballot for nonpartisan offices, and election registers, and including effective and applicability date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Bill Title:** [HOUSE FILE 2051](#), a bill for an act relating to maintenance of a voter registration system separate from the state voter registration system and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 16: Horn, McKibben, Black, Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Tinsman, Ward, Wieck, Wood, and Zieman. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEE PLACED ON  
EN BLOC CALENDAR**

The following appointee, assigned to a standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

**BUSINESS AND LABOR RELATIONS**

David Owen – Iowa Workforce Development Board